

of conference, we will see what happens.

But this is a very important bill. I think people will have to look very closely at what they want to do once this bill comes out of conference.

I understand why they are not allowing us to vote on that. It is simply because they don't have the votes. But you can't win everything around here. We are entitled to win once in a while. Don't simply take away our ability to vote. That, in effect, is what is happening. It is really too bad. I hope when the conference is held with Republican Senators, they will see that.

We should be able to vote tomorrow. We contemplated finishing this bill tomorrow, Tuesday. That is what we had contemplated. We have a lot of amendments. The managers could agree to some of those. Some of them simply won't come up. Of course, one of the reasons there are a lot of amendments by both sides, if they offer them, is in effect to protect their sides in case something comes up they don't understand.

I believed we could finish this bill tomorrow. Having gotten nothing done on Friday, and now nothing today, it is really too bad. I don't believe we will be able to finish the bill on Tuesday.

Senator DOMENICI and I have worked on the Energy and water bill for many years. We have a good idea how quickly that bill will move along. It is certainly not as big dollarwise as this bill, but it is \$25-plus billion. It deals with issues that are important. The difference between our bill and the Labor-HHS bill is that all of the money we have in our bill is discretionary spending.

I hope we can get to that, move along and get the appropriations bills done. I hope we don't have a situation where we have nine bills in an omnibus bill. We tried that. It wasn't the best way to go. We had 11 bills in the omnibus bill. We have nine bills we still have to approve.

I am disappointed the majority leader has taken this tack. I hope after meeting with colleagues this evening there will be a change.

The PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, speaking purely on my own behalf but hopefully reflecting some of the feelings of the leader, we are terribly disappointed that until the time is set exactly as the time the Presidential candidates want to have the vote, no other business can happen in this Chamber. That isn't how this ought to work. We ought to be proceeding on other amendments. We ought to be wrapping this thing up and getting down to what evidently could be the last vote. It needs to happen.

I am terribly disappointed the overtime rule has been made into such a political hot issue. It is a proposed rule. The way rules work around here is they get published so there can be comments. There have been 80,000 comments. This amendment doesn't stop

the rule. At this point, it stops the review of those comments. The Secretary of Labor can't even look at the 80,000 comments to see if she made a mistake in the rule.

It appears there are some concerns about the rule and the way it is written. But it can't even be rewritten, if this amendment passes. This amendment takes away the right of the Secretary to review those 80,000 comments so changes can be made, if needed, to the rule. That is how we do rules around here.

To take the money away and stop that process I don't think is the right way to do it. We have a process in place. We even have a process for overcoming the process. That is the Congressional Review Act. If the Secretary does not pay the attention needed to it, we have the right to overturn the rule. In fact, we have the obligation to overturn rules. That is why we did a Congressional Review Act.

I hope we will let her go ahead and read the 80,000 concerns and see what changes need to be made, see what people are thinking about the rule. Obviously, there are people with concerns. I hope the rule can be revised to take care of those concerns. It has not been revised in 50 years. Tell me that business has not changed in 50 years. Tell me that employment has not changed in 50 years. It has.

One of the provisions of this is raising the amount you have to be covered by overtime from \$8,600 to \$22,000. That needs to be done. People make a lot more money now than in 1950.

I hope we can go ahead with the rule. I hope we can go ahead with other amendments as we have been doing for the last week, setting aside amendments so we can debate amendments. All the amendments are still in a queue and we still have to take care of those amendments. It does not keep them from being voted on but keeps them just from being voted on in that necessary order, although you can call for regular order and put it right back in the queue in the same place. It is possible to get votes. In fact, it is impossible to avoid votes around here.

As stated, if there were a motion to table, it could be brought up again. There will be a vote. Now, whether the leader gets to set the exact time for the vote or whether the minority sets the exact time for the vote evidently is the question for debate. I hope we can get past this little rift and move on and cover some more amendments. I was hoping we could have some votes today so tomorrow we could finish up. If we were going to finish anyway tomorrow, we could finish early tomorrow so we could move on to the other bills. I hope that wedge will not remain in there and we can make some progress.

I yield the floor.

Mr. REID. Mr. President, I know the Chair wants to report the bill, but let me say we did not want an exact time. We put something in the proposed

unanimous consent agreement. We just said Tuesday. We thought it would be better to do it after the party conferences. Anytime Tuesday would be fine with us.

I certainly understand the Congressional Review Act. Senator NICKLES and I wrote that. That is our legislation now in the law. It has been passed and used several times, and it will be used this week, also, on the TV ownership. It is an important piece of legislation and one of the things I am very proud I have been able to work on during my tenure as a Member of Congress.

I say to my friend, for whom I have the greatest respect, the Senator from Wyoming, we have worked together on a number of issues on a bipartisan basis. We recognize overtime has been paid by virtue of a statute in this country for more than 50 years. We think that is appropriate.

If the President wants to change this, he should change it by asking the committees of Congress to do that. We could have hearings and go forward on that basis. To have the President act as if he is the king of this country and just set rules any way he wants, we do not agree with that. That is why the men and women of this country are really upset and why we had 80,000 comments.

The Senator from Wyoming and I are not going to make that decision. We are not in a position to do that. We are here representing others. I appreciate the courtesy of the Senator from Wyoming this afternoon, as always.

#### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2660, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004.

Pending:

Specter amendment No. 1542, in the nature of a substitute.

Byrd amendment No. 1543 (to amendment No. 1542), to provide additional funding for education for the disadvantaged.

Akaka amendment No. 1544 (to amendment No. 1542), to increase funding for the Excellence in Economic Education Act of 2001.

Mikulski amendment No. 1552 (to amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs.

Kohl amendment No. 1558 (to amendment No. 1542), to provide additional funding for

the ombudsman program for the protection of vulnerable older Americans.

Kennedy amendment No. 1566 (to amendment No. 1542), to increase student financial aid by an amount that matches the increase in low- and middle-income family college costs.

Dodd amendment No. 1572 (to amendment No. 1542), to provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act.

DeWine amendment No. 1561 (to amendment No. 1542), to provide funds to support graduate medical education programs in children's hospitals.

DeWine amendment No. 1560 (to amendment No. 1542), to provide funds to support poison control centers.

DeWine amendment No. 1578 (to amendment No. 1542), to provide funding for the Underground Railroad Education and Cultural Program.

Harkin amendment No. 1580 (to amendment No. 1542), to protect the rights of employees to receive overtime compensation.

Mr. ENZI. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that I be able to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OVERTIME PAY

Mr. REID. Mr. President, America, of course, is the land of opportunity. Americans know that if we are willing to work hard, we can realize our dreams.

Hard work has built America. Hard work is what has enabled generations of us to own a home, make a stronger community, and give our children a good education.

Americans have always been willing to work hard to reach their goals, and they are working longer hours today than ever before. About one-third of the labor force regularly works longer than a 40-hour week, and 20 percent work longer than 50 hours.

Fifty years ago, we established the principle of overtime pay which came as a result of passing the Fair Labor Standards Act. Basically, one of the provisions of that act was the establishment of overtime pay rules, and it was for those who work more than 40 hours a week. This principle recognized that the normal workweek would be five 8-hour days. This principle recognized the value of hard work and rewarded those who worked the hardest.

Families who work hard depend upon overtime pay. For the families who earn overtime, it makes up one-fourth of their total salary.

Having said all this, I can't understand, as I indicated earlier today, why the President is proposing to change the rules on overtime pay. What this

legislation we would like a vote on does is prevent the President from changing the rules as to the number of people who are on overtime; that is, he cannot lower the number of people on overtime. The rules could increase the number but he could not lower the number. That is simply what the amendment does.

The President's proposal would eliminate overtime wages for 8 million workers, among whom would be nurses, firefighters, police officers, flight attendants, preschool teachers, cooks, secretaries, and fast food shift managers.

The proposal would amount to a pay cut for those hard-working people and others. It would mean fewer jobs because companies would simply force their employees to work longer hours without paying overtime instead of hiring new workers. In the current economic situation, when millions of Americans are out of work, it doesn't make sense to do something that will stifle the creation of new jobs.

Even for the workers who would still qualify for overtime, this is a bad rule. Why? Because big companies will just force the overtime-exempt workers to put in longer hours and cut the hours of those who qualify for overtime.

The rule is bad for so many reasons. It punishes working families by cutting their pay, it prevents the creation of new jobs, and I think it dishonors hard work, which is one of the things that made America great.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, we are presently on the Labor, Health and Human Services, and Education appropriations bill which is the funding bill for next year for all three of those Departments plus others—NIH, for basic medical research, and for a number of other independent type agencies, libraries, and things such as that.

Perhaps the biggest part of this bill in terms of where we ought to focus our energies and our attention is in the area of education. We know that without a good education, our hopes for the future of this country are much dimmer if we do not provide a class 1, world class education for all of our kids. Our future will be bleak indeed if in fact we start leaving some kids behind.

Thus, when the President talked a couple years ago about his proposal to leave no child behind, that sounded like something we could support and move ahead on because we do not want to, nor can we afford to, leave any children behind.

Now that we are here this week after Labor Day, it is back to school time.

Back to school time means one thing: More claims from President Bush that he is serious about leaving no child behind.

When the President signed the No Child Left Behind Act nearly 2 years ago, he promised to give schools the money they need to improve. He said:

We are going to spend more money, more resources, but they will be directed at methods that work.

Most people probably believed him. I know I did. There were long negotiations. I also serve on the authorizing committee that worked out the agreements with the White House on the No Child Left Behind Act. One of the major reasons I voted for it was that I trusted the President. I took him at his word that in fact we were going to have the resources.

In the No Child Left Behind Act, we made a major departure from what we had been doing in the past in terms of Federal funding for elementary and secondary education. This was the biggest mandate ever put upon local public schools by the Federal Government. The biggest mandate ever put on our local public schools by the Federal Government was Leave No Child Behind.

So I believed then, and I believe now, that if we are going to mandate certain performance levels for our schools, and we are going to penalize these schools for failing to make adequate yearly progress—if we are going to do that—then we must, by all rights, give them the money they need to meet these mandates and to improve.

President Bush seemed to agree. We took him at his word. But ever since he signed that law, the President's record on education has been long on spin and woefully short on spending. Saturday was a characteristic example of what I am talking about. The President used his radio address on Saturday to boast about how much funding he has provided for schools since he became President. He said—and again I quote; this is an exact quote from his radio address on Saturday—

My budget for next year boosts education funding to \$53.1 billion, an increase of nearly \$11 billion since I took office.

Keep these figures in mind: \$53.1 billion, his budget for next year; and he says: "an increase of . . . \$11 billion since I took office."

Well, first, the statement is factually correct. The education budget has increased \$11 billion during the Bush administration. And it is factually correct that next year's budget does call for \$53.1 billion. But let's take a look at those two. The \$11 billion increase during his administration has taken place, but no thanks to President Bush. The budgets increased \$11 billion because Democrats in Congress insisted on it over the White House's strong objections. It is like I was saying last week about the weather, it has rained a lot around here during President Bush's administration, sometimes it has been hot during his administration,

sometimes it has even snowed during his administration, but his administration did not actually have anything to do with the weather.

The same thing with education funding: President Bush deserves as much credit for the recent education funding increases as he does for the weather outside. This chart will explain what I mean.

In fiscal year 2001, the last budget of the Clinton administration, education funding was at \$42.2 billion. The next year, President Bush's first year, in his budget he asked for an increase to \$44.5 billion. That would be about an increase of \$2.3 billion.

Now, at the end of the day, at the end of the year, the actual funding went up to \$49.9 billion. Why? Did President Bush come down here and ask for more money? No. Education got up to \$49.9 billion because we Democrats insisted on it during the negotiations for the No Child Left Behind Act. We said, if you are going to have these mandates, let's get the money in there. And since the President wanted to get votes for his bill, he agreed. But he never asked for it. We insisted on it. So the next year we went up to \$49.9 billion.

Now, the next year, President Bush asked for \$50.3 billion. That was an increase of only \$400 million from the previous year, seven-tenths of 1 percent. That is what he asked for. That is all he asked for. Again, we got it up to \$53.1 billion. Again, why? Because Democrats insisted on it. We fought for it hard. We fought for it on the floor of the Senate, and we got it up to \$53.1 billion.

Now, the real kicker is this: In his radio address, the President said:

My budget for next year boosts—  
—“boosts,” “boosts”—

education funding to \$53.1 billion. . . .

Mr. President, we are already at \$53.1 billion. You have asked for \$53.1 billion for next year. That is not a boost. That is the same as we spent last year.

Well, actually I want to be factually correct. His budget would increase funding by \$26 million, .05 percent over last year. It is such a minuscule amount it does not even show up on a chart.

As I said before, it is true education spending has risen \$11 billion during the Bush administration, but President Bush has only asked for \$2.7 billion of that \$11 billion. All the rest resulted from Democrats here in Congress pushing for and fighting for increased education funding. So I wanted to make that record clear.

Now, what is more, the President is trying to take credit for these education increases at the very same time the White House, this President, is working to defeat Senator BYRD's amendment, one of the pending amendments on this bill, that would fully fund title I at the fiscal year 2004 authorized level. The title I program is the key to the success of No Child Left Behind because title I helps the stu-

dents who need the help the most, the millions who are now being left behind—low-income, poor kids, kids from low-income areas. It is the program also, under the No Child Left Behind Act, that will hold schools accountable for improving student performance. So title I is a program that has been in existence for a long time, and it funnels Federal funding to those most in need, the kids who are now being left behind.

In the No Child Left Behind Act we put in there the mandates that will hold schools accountable, that will penalize schools if they do not improve student performance.

President Bush and Members of Congress spent a lot of time negotiating over how much money was needed year by year for title I. This was part of the negotiations process when we passed No Child Left Behind. What we settled on was a figure of \$18.5 billion for fiscal year 2004. That is the second year after the law went into effect. That is the authorized level.

Unfortunately, the bill before us provides \$12.35 billion for title I. That is the amount requested by President Bush. Again, some on the other side want to play games with the numbers. They argue title I funding has risen by \$2.9 billion during President Bush's administration, again, as if the President deserves the credit for it. The fact is, President Bush requested only \$1.3 billion of the \$2.9 billion title I has increased between 2001 and 2003. Again, the only reason title I increased more than he asked for was we Democrats here in Congress insisted on it.

Again, this chart shows the story. In fiscal year 2001, title I got \$8.8 billion. In fiscal year 2002, the President requested a minuscule increase of just \$300 million to \$9.1 billion. The authorized level was \$13.5 billion. Again, we Democrats in Congress fought hard, and we got it up to \$10.35 billion.

Some on the other side have said, well, the Democrats ran the Senate for fiscal year 2002, and they didn't fund title I at the authorized level. Well, that is true, but remember, we only controlled the Senate, we did not control the House, and we did not control the White House like the Republicans do now, and we managed to get more for title I than the President requested.

In fiscal year 2003, the year we are in right now, the President requested \$11.35 billion for title I, when the authorization level had risen to \$16 billion. Again, thanks to Democratic pressure here in Congress, we got it up to \$11.7 billion.

Now for fiscal year 2004, the President has requested \$12.35 billion, \$6 billion short of the authorized level of \$18.5 billion.

People have said: That is the authorized level. We hardly ever fund to the authorized level.

In most cases that is true. But in this case, we have a different situation. We have mandates. Schools, you have to do this, this, this. You have to meet annual yearly progress of this, this,

and this. We have now mandated it. We never did before. And, in the negotiations on No Child Left Behind, we agreed on these figures: \$13.5 billion for 2002, 16 for 2003, and 18.5 for 2004, and so on. So this is not just like something else. This is the biggest Federal mandate ever on our public schools.

The biggest part of No Child Left Behind is title I, and the President has shortchanged it by over \$6 billion this next year. I think we need to help President Bush keep the promise he made when he signed the No Child Left Behind Act by approving Senator BYRD's amendment. The Byrd amendment, more than any other, will show the Nation how serious we are about leaving no child behind. Do we give the schools the money they need to improve? Or do we just give them a bunch of mandates and hang them out to dry? That is what is at stake with the Byrd amendment.

I emphasize, the Byrd amendment is not just about dollars. If you want to hire good teachers, it takes money. If you want to reduce class sizes so teachers can teach, it takes money. This Byrd amendment would provide enough funding to hire more than 100,000 highly qualified teachers for the students who are at most risk of being left behind. That means over 2 million disadvantaged students would be taught in smaller classes. They would receive the full range of instructional services called for under the No Child Left Behind Act.

In his radio address on Saturday, the President said:

Schools are getting the Federal resources and help they need to improve.

I am sorry, Mr. President. That is factually incorrect. They are not getting the Federal resources. They are not getting what you promised 2 years ago when you signed this bill into law. So I say let's help the President keep his promise. I urge my colleagues to support the Byrd amendment when it comes up for a vote. All we are asking for is \$6.2 billion to get it up to the authorized level.

The President says he doesn't have the money for that. We have this huge deficit. We don't have the money to get out to these schools to fully fund this. We don't have the money.

Last night when I turned on my television set to watch the President address the country, he said he is going to send up a supplemental appropriations request for \$87 billion for reconstruction in Iraq and Afghanistan—mostly Iraq. We had an earlier bill this year that was \$79 billion, of which \$70 billion was for Iraq and Afghanistan. So 70 and now 87; in the space of 6 months this President has asked us to take taxpayers' dollars and put \$157 billion into Iraq and Afghanistan. And we don't have \$6 billion to leave no child behind, the poorest kids in the poorest areas, the low-income areas. We don't have it. Somehow we don't have that.

Mr. Bremer is talking about rebuilding schools in Iraq. They are going to

rebuild schools or build schools. I don't think we bombed schools in Iraq. Maybe we are going to build new schools. I don't know. What about the schools here in America? What about our kids here who are being left behind?

One hundred fifty-seven billion dollars? At the beginning of the Iraq war, the Department of Defense estimated we were going to be spending about \$2.2 billion a month after the war. In June, that went to \$3 billion. As of July, they said they were spending about \$3.9 billion a month in Iraq, and another \$1 billion in Afghanistan. Well, if I am not mistaken, there are 12 months in a year. If we assume that is the end of it for the whole year, 12 months, \$87 billion, it seems to me that comes down to more than \$7 billion a month. And they told us earlier it was going to be \$2.2 billion for Iraq, and going down quickly. And now it is up to \$6 billion in Iraq and \$1 billion in Afghanistan, if we assume they are not going to ask for any more. And I would not make that assumption. So in 1 year, \$7 billion a month for Iraq and Afghanistan.

In February, the administration said Iraq's oil reserves would help shoulder much of the burden for its own reconstruction. Mr. Wolfowitz said on April 6:

There are enormous resources available from other sources than just the American taxpayer to help the Iraqi people in reconstructing their country. And the oil revenues of Iraq now for the first time in decades will be dedicated to the welfare of the Iraqi people.

Well, it sure looks like the American taxpayer is footing the bill to me. I don't know when those oil drills are going to start coming back again and when we are going to start making money off that. Right now it is the American taxpayer.

My point is, for Iraq and Afghanistan they have asked for \$157 billion in 6 months. Yet we can't fund title I. That doesn't make sense to me at all. We should have—we do have the resources. Quite frankly, if we don't meet those needs and if we don't fund No Child Left Behind, then obviously children are going to be left behind. And they are going to be the kids of the poorest, low income, because their schools will not meet the annual yearly progress reports, the mandates that are out there. We are going to lose teachers because schools won't be able to pay them what they are worth. Yet we are going to ask the American taxpayer to keep coughing up money for this quagmire that we are in now in Iraq.

A lot of people have said: This isn't Vietnam.

I am one of those who lived through Vietnam. I was in the military during the Vietnam war. This may not be Vietnam, but, boy, it sure smells like it. Every time I see these bills coming down for the money, it is costing like Vietnam, too. No one wants this country to be vulnerable to terrorists. We want to take all reasonable diligent

steps that may be necessary to protect the American people. That is the duty of the Commander in Chief. But the Commander in Chief, being an elected person, also has to be accountable for how he has gone about ensuring the security of the American people. At what cost? At what impact on our society?

So the President has to be held accountable for this. I don't pretend to have all the answers for what ought to be done in Iraq or Afghanistan, but I do know something—that if we as a nation decide to go it alone in the world in anything—but especially in the war on terrorism—if we decide to go at it alone, in our way and only in our way, without the concurrence of and the help and support of our allies, old and new, and of our friends in democratic countries around the world, then I think that two things will happen. One, we will not address the scourge of terrorism as fully and all-encompassing away as it needs to be done—globally—because we are going to need the help of other countries in finding terrorists, locating them, breaking up their cells, giving you advance warning and giving themselves advance warning. That will be the first. We will do it in a military rifle-shot-type of manner. You may accomplish something for a little bit but that doesn't wipe out the terrorist network or the nests. That is the first result of our going it alone. The second result is what is quite obvious right now—the American taxpayer will foot the bill for everything.

Those are the two things I see happening right now in the world. So I think it is time to have an accounting.

Quite frankly, I think it is time we begin to reach out to other nations—our friends and our allies—to enlist their aid and support, and to vow that never again are we going to go marching off with just the word of the President of the United States. The threat of terrorism is not just at us; it is at people all over the world. It is not just up to our President—any President—to decide when and how to go after these terrorists. It is up to us globally. It is up to the United Nations. It is up to NATO, our allies and us working together to decide how and when to go after these terrorists.

I say this because in this bill now there is a shortage of funding for education, for health care, for medical research. We are even shortchanging the National Institutes of Health on medical research. I think Senator SPECTER will have an amendment later on that, which I will support. But we are told we simply don't have the funds. But we do have \$157 billion for Iraq and Afghanistan. Well, it is all a matter of priorities. I think we have to get our priorities back in order.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have heard my distinguished colleague, Senator HARKIN, talk about the funding on Iraq and the war on terrorism, and I agree with him about the desirability of involving other nations. I believe the President is trying to do just that right now at the United Nations.

The decision to authorize the use of force was a tough decision back on October 11 of last year. The vote was 77 to 23. I don't want to, if avoidable, get into an extensive discussion about members of the Democratic Party who supported that authorization but they were considerable. It was a very substantial vote, with more than three-fourths of the Senate voting in favor of the use of force. I supported the use of force and the objective of deposing an authoritarian dictator who had committed brutal acts against humanity, murdering tens of thousands, really hundreds of thousands, of his own people.

Saddam Hussein conclusively had weapons of mass destruction in December of 1998, and there was never an explanation as to what he did with them. He had chemical weapons. He used them in the Iran-Iraq war. He used chemical weapons against the Kurds. He had bioterrorism. Now there are efforts to establish a democracy in Iraq and it is very difficult, admittedly, to secure law and order and maintain the peace there. The President is reaching out to other countries with the U.N. resolution, and I think the prospects are good that there will be a resolution.

It is difficult to deal with the French and Germans. The French have always been difficult when it comes to a matter of U.S. leadership. The French backed out of NATO militarily decades ago. Behind the French and German opposition is an eye on the Iraqi oil. I think Russia will come along. I think China will not object. I think we will have a U.N. resolution and we will have a chance to get Muslim countries, Pakistan and Turkey, in and give more confidence to the Arab world and a broader base, perhaps ultimately in Egypt and other countries. We are working on that.

If we can establish a democracy in Iraq, it will go a long way toward changing the complexion and face of the Middle East. I think there have already been significant changes in the attitude of Iran and other Arab countries with the tremendous demonstration of military power that the United States put on in winning the war so rapidly. And now the harder part, as it has eventuated, is to secure order in Iraq and move it toward democracy.

We will have to wait and see the specifics of the President's proposal, and I will be interested in the vote of the Senator from Iowa and others. It will

not be an easy vote to put up very substantial sums of money in Iraq but it will not be easy either way.

The President is saying we have to stay the course, and I believe there is a very strong presumption in support of what the President will want to do as a matter of executive leadership when he comes forward with the specification as to how much money he wants and what he wants to use the money for.

We will see. It is certainly true that at any time on the budget of the United States, whether President Clinton, President Reagan, the first President Bush, the current President Bush or President Carter is in the White House, if either Democrats or Republicans did not spend money on defense, we could spend more money on education. There is no doubt about that.

We have a budget. It is a large budget. It is \$2,200,000,000,000. So we make allocations. We allocate so much for various areas. When the argument is made that President Bush should not be given credit for increases in the education budget, I think that simply belies the facts.

The support for President Bush is really present in the request he has made on the budget, and when the budget for the fiscal year was at \$40 billion for 2001 and the first request was made by President Bush, he asked for \$44.5 billion. The next year, 2003, he asked for an increase to \$50 billion. This year, the administration's request is for \$53 billion, slightly in excess. So from the 2001 budget, which was the last year of his predecessor, to this year, 3 years, there has been a 33 percent increase.

If we take a look at the first 3 years of President Clinton, or the 3 years from fiscal year 1996, when the budget was \$26 billion, through 1999, it went up to \$32, a 23 percent increase. If we take the 3 years from 1998 through 2001, from \$29 billion to \$40 billion, there is a 33 percent increase.

There has not been any characterization that President Clinton shortchanged education, and I think similarly there ought not to be the accepted argument that President Bush has shortchanged education.

When it comes to the question of money for title I, I think it is fair to note—and I called attention to these facts when Senator BYRD offered this amendment last Tuesday—that when the Democrats controlled the appropriations process in the year 2001, looking for the 2002 budget, the authorization for title I was \$13.5 billion. The appropriation made by the Democrats was \$10,350,000,000, or \$2,950,000,000 under what the authorization was. It is well known that the authorizations are characteristically much higher than the appropriations.

When the argument is made that the authorization for title I is \$6 billion higher today than the appropriation requested by the President, that is right in line with what was done when the Democrats controlled the appropri-

tions process for fiscal year 2002 on the authorization bill, which passed on December 18, at \$13.5 billion, and the appropriations bill which passed 2 days later, on December 20, at \$10.35 billion.

So I believe there has been a recognition of the education needs. It is my hope that we will spend more time talking about the substantive needs of schoolchildren than the issue of attaching political blame.

It is my hope that we can move ahead with the completion of this bill. Last Wednesday and Thursday, we were talking about compiling a list, a list has not been compiled, and there was also talk about having a vote on the amendment offered by the Senator from Iowa on overtime pay with a request by the Democrats that the vote be scheduled for Tuesday. We were trying to work toward that objective. At least in the early stages of that discussion, they were not tied together, as I recollect the discussions. Senator HARKIN and I have very infrequently disagreed. I cannot remember any disagreements on the facts. If we do have different recollections, we are usually very gentle about it and do not press the point on what could be misunderstandings.

I see we are heading for a tough stalemate that is going to boil down to what occurs from time to time as to who is running the Senate, to put it bluntly. Is there a Republican majority leader or is it a majority leader in name only? I would very much like to work it out.

I must say I am not pleased to have to arrange the Senate schedule around the availability of Senators who are running for President. I have considerable sympathy for Senators who run for President. There are three Senators in the Chamber today, plus the Chair, and two of the four have run for President. So it is a matter where it is not uncommon for Senators to run for President.

In one of the first columns I read by John Kilpatrick when I came to the Senate after the 1980 election, he wrote—I thought it was in jest but I think he was serious—that when somebody rises and addresses the Chair of the Senate and says “Mr. President,” 35 heads turn, which is the way the Senate operates.

It is a little disconcerting, to be mild about it, to have to arrange our schedule on voting for when the aspirants are in town. I am not unaware that if any one Senator wants to start to talk, the Senate will not conduct any other business and we could go to regular order. I have examined the procedures and we could vote on the Byrd amendment on a motion to table, which would not get us too far. We could vote on another amendment on a motion to table. We have to have unanimous consent to set anything aside. We had hoped to vote this afternoon on a series of amendments.

I received a call this morning, when I was in Pittsburgh—I have a day job in

Pennsylvania—from the floor leaders, and it appeared we would not be able to vote this afternoon and we should make that known so that people would not be rushing back to an empty Senate Chamber without any votes.

Let me inquire, if I may, through the Chair, to my learned, distinguished, eminent colleague from Iowa, what are we going to do about our schedule?

Mr. HARKIN. Well, if the Senator will yield without losing his right to the floor, I will try to respond to his question about the schedule. I do want to respond also to my friend's earlier comments on education funding, but I will do that when I get the floor in my own right.

To respond to the inquiry about the schedule, I say to my friend from Pennsylvania, there are two observations on who is running the Senate. The Senate right now is 51 Republicans, 48 Democrats, and 1 Independent. The Independent, Mr. JEFFORDS, caucuses with the Democrats, although he maintains an independent status. So it is not the case where we have a dictatorship. It is a case where the Senate is very closely divided and where there should be a comity in which people work together—as the Senator from Pennsylvania and I have done for 13 years, by the way, I would note for the record—in terms of accommodating and trying to reach reasonable accommodations on votes.

I say to my friend from Pennsylvania, I mentioned last week I was going to offer an amendment on overtime. It was no secret. I read it into the RECORD. It was not my side, nor was it this Senator's decision, saying that we would only have two votes on Friday morning and then go home. We could have stayed Friday and voted. It was not this side or this Senator's decision to have one vote on Monday and then later cancel it and not even have any votes on Monday.

The Senator from Pennsylvania knows as well that on Fridays there is a vote or two in the morning, everybody takes off, and then we have maybe a vote at 5 or 5:30 on Monday—what we call a bed check vote. It was this Senator's judgment that most of the votes—and we have a finite list of amendments for this bill, I say to the Senator. We agreed. Senator REID, our assistant leader on this side, got a finite list of amendments, which is very important because that tells us we can bring closure to this bill.

So it became clear that the big voting day was going to be Tuesday. Everyone is going to be here. It will be a long day. We can wrap up. We can have a whole series of votes on Tuesday, maybe bring this bill to a close by Wednesday—certainly Thursday at the latest.

I say further to my friend from Pennsylvania that the record shows that in the last several years about the average length of time spent on this bill, whether it has been in Democratic hands or Republican hands, has been

about 5 to 7 floor days because this is such a big bill. There is a lot in it. There are a lot of amendments, and usually a lot of debate on different aspects of this bill. So it would not be unusual for this bill, under the leadership of my friend, and very good leadership I might say, that we would be on the Senate floor for 5 or 6 days on this bill.

We were on it Wednesday. We had no votes Tuesday—again not our decision. The decision was made by the majority leader that we would not vote on Tuesday. We were on it Wednesday and Thursday. That is 2 days. We had two votes on Friday. Today, we are here talking but no votes. So Tuesday and Wednesday, that would give us about 5 legislative days that we would be on it. We can probably finish this bill by Wednesday night, I say to my friend from Pennsylvania.

So that is the schedule. I am not holding up anything. We couldn't vote today anyway. We couldn't vote on anything. The majority leader made the decision that we were not going to have votes on this bill today.

When I heard that, I said, OK, I am going to offer my amendment, and I will object to going off of my amendment for anything else until we vote on it because we can vote on it first thing tomorrow morning and vote on it, or tomorrow afternoon we could vote on this amendment. We will vote on it.

I did not mean to go on. I yield.

Mr. SPECTER. It was my understanding the Senator took the position Friday morning there would not be any unanimous consent to setting aside the pending amendment until there was an agreement to vote on the amendment of the Senator from Iowa on overtime pay on Tuesday.

Mr. HARKIN. That is true.

Mr. SPECTER. That was on Tuesday.

Mr. HARKIN. That is true.

Mr. SPECTER. So this morning when the floor staff was considering the matter, in the absence of any agreement to set aside the Harkin amendment so we could vote on other matters or take up other matters, it was not possible to do.

There is not agreement on this side of the aisle to give a time certain. My view is to do so, as a matter of comity.

Mr. HARKIN. I agree. I appreciate that. I appreciate that.

Mr. SPECTER. As a matter of power, in other contexts, in prior avocations, there were stronger terms which were used as to the situation. But I would call it concessions of power. That is a nicer characterization than others might be.

But anger flares around this place pretty fast. There are a hundred Senators. This Chamber is barely big enough to contain the egos when people are calm, let alone when tempers flare. Right now there is a lot of flare over here, although you can't see it.

Mr. HARKIN. I have a hard time seeing it over there.

Mr. SPECTER. The other 49 Republican Senators are not here. But in

absentia. They are flaring, invisible flares all around the Senate Chamber.

So we are heading for a tough time, I am afraid.

Mr. HARKIN. Will my friend yield for a question?

Mr. SPECTER. I do.

Mr. HARKIN. I don't understand why there is a flareup. This bill, we are moving ahead on it. Wednesday and Thursday we had good debates. We had amendments. We voted. We brought up amendments, most on our side. I think there were a couple on the Republican side that came up.

I don't know why there should be a flareup. We have the amendments pending. We said let's set a time to vote on it. We can move ahead. That is the sort of comity you work out. We will work out a time. We know we are going to vote on it, so let's find a time that is agreeable. In fact, in the well Thursday night, I thought there was an agreed-upon time, for the afternoon, for two. I said that is fine; I don't care. Then when I came in Friday morning, I found out that had been blown out of the water—not by our side but by the Republican side.

Mr. SPECTER. If the Senator from Iowa will yield, there is a flareup because some people on this side of the aisle think they are being dictated to. I heard the terrible word "blackmailed" used in the Senate cloakroom, and I rushed out of the cloakroom. I didn't want to be subject to listening to that kind of language. But there is a feeling that we are being told what to do.

I do believe it is accurate and fair to say that when the Senator from Iowa and I, and the Senator from Nevada and I, were negotiating on the list, that it was a sea change to say we are not going to go ahead with the list and we are not going to go ahead with the Dodd amendment Friday morning. The Senator from Connecticut was waiting to give the amendment unless we have a commitment from Republicans on voting on the Harkin amendment on overtime pay on Tuesday. That was the proposition.

Mr. HARKIN. Will the Senator yield on that point?

Mr. SPECTER. I do.

Mr. HARKIN. Thursday night—you don't have to take my word for it. We were in the well with the majority leader—

Mr. SPECTER. I will take your word for it.

Mr. HARKIN. The minority leader on our side, Senator REID. I was involved in the discussion. We were just talking about moving ahead and getting a vote on this amendment on Tuesday.

I wouldn't say that hands were shaken and it was agreed, but someone said 3 or 3:15 on Tuesday. I said—someone said that to me. I didn't say that—I said, fine, OK, let's work it out. We will have a time on Tuesday we can work.

The Senator is right. Some of this does have to do with the fact that there are a number on our side running

for President. We know that. They have been out. But everyone is going to be here tomorrow. The point is, not everyone is here today, Monday, not even on your side or our side, but everyone is going to be here tomorrow; so that Thursday night there was sort of a gentlemen's agreement—the assistant leader was there, too—that we would set a time on Tuesday to vote on this. That is the kind of thing we work out here.

If I could just finish? Then, when we come in Friday, I find that has been yanked away from us, that we can't have a time agreed upon to vote.

That is when this Senator decided, I am going to lay down my amendment and I am going to object to going off it until we get some kind of agreement worked out. It is not blackmail. It is just trying to move this process forward.

Mr. SPECTER. If the Senator will yield—I think I still have the floor, but in any event I will make the next statement. I think we were heading to a situation where we would have worked out a Tuesday vote had there not been the sea change with the articulation of your position, the Senator from Iowa, about not going ahead unless there was a commitment. We were talking about it and we were working on it, but one of the great problems we have to avoid around here, so the so-called cooler heads will prevail, is trying to get it in concrete, trying to get it worked out so we can move this process along.

Here we are, 3:30 on Monday afternoon, and it looks to me it is very difficult to iron out this issue at this time.

Mr. HARKIN. If my friend will yield further, I say why not? Tomorrow everyone is going to be here. If you want to agree on a time, you and I could agree on a time. I don't care. Everyone is going to be here tomorrow. We will agree on a time and we will move forward. There is no reluctance or resistance on our part to doing that. I don't know what the blocking is.

Mr. SPECTER. If the Senator would yield—as our expression goes.

Mr. HARKIN. You have the floor.

Mr. SPECTER. If the Senator from Iowa would agree to set aside his amendment, he and I could agree on that and in the absence of objection we could then proceed with other amendments.

Mr. HARKIN. I would be glad to set it aside. I would be willing to agree on a time tomorrow and set it aside.

Mr. SPECTER. I am saying agree to setting it aside without agreeing to a time tomorrow.

Mr. HARKIN. What happens to the amendment? Will the Senator absolutely assure me if I set it aside that we will vote on this amendment tomorrow afternoon?

Mr. SPECTER. I do not have that authority to make that assurance, as I think the Senator from Iowa knows.

Mr. HARKIN. Well, there you go.



Mr. SPECTER. I think we have aired it thoroughly. We will try to see if the world's greatest deliberative body can undertake some deliberation. I yield.

Mr. HARKIN. I say to my friend, we will work it out. I am sure it will be worked out.

Mr. SPECTER. I yield the floor.

Mr. HARKIN. Mr. President, I know my friend from Louisiana wishes to speak. I want to take a couple of minutes to respond to the remarks of my friend from Pennsylvania about the education bill.

I am constrained to, once again, point out some facts, as I did with this chart. I want to hold it up again. Perhaps my friend wasn't on the floor when I held this chart up before. This is education funding from fiscal year 2001 to fiscal year 2004. In his radio address on Saturday, President Bush was boasting about the fact that he had an \$11 billion increase in funding in his administration. That is true. It went from \$42 billion to \$53 billion. That is \$11 billion. But no thanks to him.

As I pointed out before, in fiscal year 2001 it was \$42.2 billion, and in 2002 Bush asked for \$44.5 billion—a very slight increase.

In negotiations with the President on the No Child Left Behind Act, Democrats insisted and got it up to \$49.9 billion. The next year President Bush asked for \$50.3 billion—a \$400 million increase, a .05-percent increase.

We Democrats fought hard and got it up to \$53.1 billion. Now the President said in his radio address that he has a boost in education funding for next year. As I pointed out, this year it is \$53.1 billion, and he asked for \$53.1.

Those are the facts. Facts are stubborn things. You can have all the rhetoric and dress up your words but facts are stubborn things. The fact is, of the \$11 billion increase for funding in education since this President came to office, the President has only asked for \$2.7 billion of that increase. That is the fact. Facts are very stubborn things.

My friend from Pennsylvania dresses it up. But as we say in Iowa, you can put an apron and a pink ribbon on a pig but it is still a pig. You can dress this up in all kinds of fancy language. Quite frankly, we are leaving education funding behind.

I wanted to, again, bring out the facts and make sure that people had the facts in education funding and why we need to get the Byrd amendment agreed to on title I.

Again, when we negotiated No Child Left Behind, the President and the Congress agreed on these funding levels for title I. Now we are \$6 billion less than what we agreed upon earlier.

Facts are very stubborn things.

That is why we need to adopt the Byrd amendment.

I thank the Senator from Louisiana for her patience. I yield the floor.

THE PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I come to the floor to support Senator

HARKIN in his call for additional funding to support the reform underway for education.

I would like to speak a minute about the reforms, the importance of living up to our promises and meeting the requirements of the quite historic act of Leave No Child Behind, as well as to support Senator HARKIN in his call to scuttle an unneeded, untimely, and in many ways unsettling and disappointing rule that the Labor Department is proposing to strip away overtime pay for 8 million workers.

Since the Senator spoke in just the last moment on education, let me start with that. I listened during the last several weeks to so many different speeches about the level of education funding. Let me be the first to say as a Democrat that I am proud to have led the effort to come up with a bipartisan bill that holds out hope and promise to every child in our country for a better education.

I tire of the criticism this side of the aisle receives when people say all the Democrats care about is more money and more money. Let me remind people about the fact that many of us on this side of the aisle rejected the call for more funding just being dumped on the same old system. We stood our ground and argued with some Republicans—not all—whose initial efforts were in many ways to just abandon the public school system, eliminate the Department of Education, remove all Federal involvement in education, walk away from our Governors, walk away from our legislators, and say: Fine. The school system is yours. But luckily there were enough Republicans so we rejected that wrong-headed thinking. We came together and said it is not a straight voucher system that is going to solve public education and we don't need to abandon public schools. Then some Democrats said it is not just more money which we need. It is accountability with added investment and an expectation of results that are going to work.

People would ask me: Senator, how do you know this? Why do you feel so strongly about it? How can you be so confident about it? It is not a concept for me and for Senator BREAU who represent the State of Louisiana that it would be 3 years down the road of reform and accountability before we passed the Federal law. We started out—along with about five other States—pioneering this new effort to identify through strong testing the schools that are working and those that aren't; when we identify those that aren't, to give added resources, whether they are urban areas or rural areas, to help them turn around and improve; when they can and when they fail.

Then we have the power at the State and Federal levels to close those schools or reconstitute those schools so we can provide better leadership, a better framework, and better opportunity so the children in those schools, along

with better qualified teachers, more committed administrators, and more involved parents and communities can learn and get the job done.

But all of those new requirements for every child to take a test and pass, for teachers to have certification and not willy-nilly certification—not the old-fashioned certification but the new kind of certification—obviously a college degree but also nontraditional certifications such as teachers and executives who have been successful and perhaps retired and want to come into the classroom—new and innovative ways but still a standard to be met and teachers coming into the classroom with good skills and good requirements. We said if we are going to raise the bar and increase the mandates and require accountability and certification, then we will fund those efforts.

The other side of the aisle wants to keep saying that all Democrats want is more money. We don't just want more money. But we do want this administration and we want the President to commit and live up to the promises he made to fund the reforms.

Yes, the amount of money for education has increased, but it does not increase because the President has asked for enough money to meet the new and rigorous demands that he and we are expecting from our school system. We have deadlines in the bill to require States such as Louisiana—and in some parishes 40 percent of the teachers are unqualified and uncertified, not because people do not want to teach but because the salary levels are so low; because of the underfunding and the traditional ways we fund education, which is not at all equitable throughout this Nation—for any number of reasons we are not able to keep those teachers' salaries up. Yet the new law which we all supported requires that we have certified teachers.

While we have doubled, tripled, and quadrupled the mandate, or the expectation, or the standards—however you want to define them—we have not quadrupled or tripled funds. Therein lies the problem.

As we raise the standards and expect higher accountability and, as Senator BYRD from West Virginia has pointed out a number of times on this floor, refuse to step to the plate and fund that level, we leave our schools and our local communities—whether it is out in the mountains of Montana in big sky country or the bayous, flatlands and lowlands of Louisiana, or whether it is an urban center like New York or Chicago, we leave our schools and our administrators struggling with a mighty task and limited resources. It is wrong.

Finally on education funding, several decades ago we said to the States, we will help you identify special-needs children. The deal is if you put up X amount of dollars we will put up X amount of dollars because we believe even if children are visually impaired, hard of hearing, or have some mental

incapacities, they still should receive a quality education. We submit to the States, if we identify these special-needs children, we will pick up the tab. Again, that was an empty promise because today we are picking up much less than the 40 percent we promised—I think perhaps 10 percent when we promised 40, 50, or 60 percent.

Yes, we do need a higher level of commitment from this President and from the administration, not to throw money at the old system but to help build the new system he and the Republican leadership helped to craft. But it is like putting up the framework of a skyscraper and not providing the rest of the money necessary to make those changes real and to make them stick.

I know Governors and administrators are struggling. I want them to know that at least this Senator and many Democrats, some Republicans, are in Washington trying to do what we can to squeeze out additional dollars to live up to the promise we made.

A final point. I am tired of the other side saying, we never meet authorization levels. What are you talking about? We authorize X in housing, yet we only fund X. We authorize X in research but we only fund X. I know that is normally what we do. But Leave No Child Behind is not just routine business. It is not just another day at the office. It is not just, we will do it when we get to it, and when we don't, we can't. This is a national priority this Congress resolved to commit to, saying yes, we believe it is an American birthright not just to be able to walk into a school but to be able to walk out with a diploma that means something. It is in the family's interest, the individual's interest, and in the Nation's interest to have that kind of school system. We will fund it. And then the next year we didn't.

The President and the administration deserve and should stand up and take the criticism they deserve for not funding it fully as was implied, if not directly promised.

It brings me to, interestingly, in this debate over education funding, which the underlying bill helps to focus on, another interesting fight or debate about the District of Columbia. This is a school system of 500,000 people, a school system with about 75,000 children. We have been debating in Washington a proposal by the original sponsors, Republican leaders in the House. Their basic solution to the fact this school system is not quite doing what it should do was not, why don't we fully fund what we promised in Leave No Child Behind? Why don't we fully fund Title I for the District of Columbia? Why don't we fully fund special education? Why don't we really hold these teachers and the school system accountable and make sure these schools that are failing are closed?

No. Before the ink was dry on the Leave No Child Behind Act, there was a group that said, Vouchers are the answer.

With all due respect to well-meaning colleagues, vouchers are not the answer to education challenges in America. Full funding for Leave No Child Behind, funding teacher certification, smaller classroom size, funding to repair dilapidated school systems, and funding research and innovation, and giving flexibility at the local level is what will help our local school system.

If there was an opportunity under Leave No Child Behind, if a school was identified as needing reform and it had to be closed and there are several hundred children or perhaps even 1,000 in some of these schools—it is allowable now, permissible now at the local level, without any action Congress might take with that local school system, to use a voucher proposal; not federally mandated, not federally required, not contingent upon getting any new funds, but it is allowed now for those students in failing schools to opt out to either higher performing public schools or charter schools or to a private school that is accredited with that money. And that maybe if it is designed specifically for children in failing schools, if there is the same accountability requirements—in other words, children in public schools have to take certain tests to make sure the public dollars being spent are being spent well—if those accountability measures are followed by the accountable voucher proposal, then perhaps that is something that should be considered, but in the context of more full funding for Leave No Child Behind and in the context of supporting other admirable reform efforts in the schools like charter schools and the transformation of some of the public schools that are going on today.

I was recently criticized by the Wall Street Journal for my position in this particular debate. Although it is not worth putting it into the CONGRESSIONAL RECORD, the article was factually incorrect on so many different points, including criticizing me for changing my position. My position on this has been constant over the last several years. Again, I don't believe a mandate in public schools of going to a system of vouchers helps to strengthen the public school system. However, I believe when failing schools are identified, children from families with limited resources should be allowed but not required, if the vouchers meet the same accountability standards as Leave No Child Behind allowed, to be able to move to a higher performing school.

My position has been consistent. I ask unanimous consent to have printed in the RECORD a beautiful letter written by the head of the Georgetown Day School, Peter M. Branch, where my children attend. This letter is in response to the Wall Street Journal editorial.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 5, 2003.

DEAR EDITOR: In a Wall Street Journal editorial on September 5, 2003, you described Georgetown Day School of Washington, D.C., which is attended by Senator Mary Landrieu's children, among many others, as "one of the district's toniest private academies." It is clearly purposeless to quarrel with the media's generic description of independent schools as "tony" or "elite," but the not so subtle comparison to private segregationist academies that arose post Brown vs. Board of Education (1954) is repulsive in view of the well known history of our school. Founded in 1945 by black and white parents who did not want their children to attend the legally segregated public schools in the District of Columbia, Georgetown Day was the first integrated school in our Nation's capital. That commitment to a quality education for a diverse student population has been central to the mission of GDS throughout our history. It is the reason that Thurgood Marshall, Walter Washington, Harry Belafonte, Roger Wilkins, Walter Fauntroy, and, I believe, Senator Mary Landrieu have sent their children to this school.

As a school that is nearly one third students of color and provides financial aid to 17 percent of our students, GDS is a strong supporter of school choice for all children. However, the proposed vouchers for D.C. will not cover our tuition without financial aid, will require us to forfeit any selection process, and will subject us to governmental interference which will jeopardize the independence of action that enabled us to exist in the first place. For perhaps 2,000 district students, this bill may give them an opportunity to move out of the public schools. But there is no indication that there will be sufficient space in the non-public sector or that the schools willing to sacrifice their independence will offer greater quality. And this bill will be of no help to the 64,800 students who will remain in the public schools of D.C. which still require reform and adequate funding. Your editorial described the voucher bill as "the bill to liberate D.C. children." I fear that description is as inaccurate as your description of Georgetown Day School.

Sincerely,

PETER M. BRANCH,  
Head of School, Georgetown Day School.

This letter is from Mr. Peter Branch, a very dignified and able administrator in the District. My husband and I are proud to send our children to a school that was formed specifically to fight segregation. To this day, it is one of the most integrated schools in the District of Columbia.

All of us who pay a pretty steep tuition to send our children there are pleased and proud that a portion of that tuition goes to one of the most aggressive scholarship programs that allows other families who don't have the same kind of economic opportunity to send their children to a school of this quality.

I can tell you, there is not a day I walk into that school that I don't say thank goodness I can finally see what excellence really is. It gives me a view and a vision for what can be accomplished in our public schools, in our public charter schools. And through the Leave No Child Behind Act—if followed, if implemented, if funded, and if adhered to by our Governors and by our superintendents, and embraced by our teachers and our administrators, and



embraced by our parents, and followed through on behalf of our children—we can indeed provide a quality public education, a charter education, a magnet school education; and then, in the event those options fail, yes, a private school or parochial school choice for children who are in schools that are absolutely not working.

This approach provides more choice and more opportunity and more competition for people of all stripes and backgrounds and situations. That is what this debate is about. It is about full funding—not just throwing more money at the system but full funding of the reforms and the promises we made. It is about making the right decisions when it comes to choice and to scholarships. And if we are going to have accountability in the public school sector, then let's most certainly—before we take a step in the direction to have accountability in our voucher proposal for failing schools and designed specifically—if it is truly meant to help children in failing schools, then let's at least have the proposal directed to children in failing schools and not the broad sweep as currently under the Gregg-Feinstein language.

So I join my colleague Senator HARKIN in his plea for stronger funding, better policies, and more and better implementation of the Leave No Child Behind Act in this bill.

AMENDMENT NO. 1580

In addition, Mr. President, I want to say a word about another amendment that is pending on this bill. It does not have to do with education, but I guess it does have to do with the health of our workers, the health of the American people. That has to do with the overtime regulation the Bush administration is putting forward.

I really couldn't think of a more wrongheaded change of a law at a worse time than this particular regulation, which seeks to undermine the 40-hour workweek for 8 million workers, most of those workers being women, but affecting many workers—white, black, Asian, and Hispanic. As I say, the way the rule is proposed and crafted, many women would be affected.

Right now, if you make the minimum wage—and this administration and the Republicans have refused to raise the minimum wage. Although plea after plea has been made to raise the minimum wage, they have refused. The minimum wage is still \$5.15 an hour. If you work 40 hours a week at the minimum wage, you make the whopping salary of \$10,400. How someone in America is to send their children to the doctor, send their children to school, buy groceries, pay rent, or buy a house on \$10,400 a year, I don't know. But the Republican administration, led by the President, refuses to agree to a gradual increase in the minimum wage. Luckily, minimum-wage workers are exempt from this draconian rule the administration is proposing.

But for workers making between \$30,000 and \$65,000 a year, many of

whom are nurses, policemen, firemen, dental hygienists, postmasters, motor service carriers, preschool teachers, welfare eligibility workers, agricultural inspectors, zoning inspectors, conservation agents, white-collar workers—because of this rule, because of the Labor Department's insistence or determination that these workers no longer need or deserve the protection of the 40-hour workweek, they will be stripped of their ability to earn overtime.

I don't know what the Labor Department was thinking. When they wake up in the morning, the administrators, do they read the headlines of the paper? Are they following the situation where many people are out of work? As an example, perhaps in a particular family, one spouse is out of work. The Republican administration is saying, well, we know your wife is out of work or your husband is out of work, and you are now basically making ends meet with overtime, but our new rule in Washington says we are going to take the overtime from you.

I don't even understand why we would be considering a rule at this time. We should be encouraging small businesses to expand opportunities for workers. If they can pay these workers the same amount of money for 60 hours as 40 hours, there is no need to hire additional workers. If we take this overtime requirement away, there is no reason why a small businessperson would go out and hire a new worker. So it does not help us increase the number of jobs in this country. It is unfair to the workers who are earning the overtime. And it is very unfair to the middle class, particularly women—in many instances single women raising children.

In conclusion, I find it very ironic that just last Friday, September 5, we adopted a sense-of-the-Senate resolution, S. Res. 210. This sense-of-the-Senate resolution expresses that October should be designated as National Work and Family Month. It is a resolution that was submitted by Senator HATCH and several other Members. We unanimously adopted this resolution last week. It expresses "the sense of the Senate that supporting a balance between work and personal life is in the best interest of national worker productivity. . . ."

It says:

Whereas the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention;

Whereas there is a clear link between work-family policies and lower absenteeism;

Whereas the more overworked employees feel, the more likely they are to report making mistakes, feel anger and resentment toward employers and coworkers, and look for a new job;

Whereas employees who feel overworked tend to feel less successful in their relationships with their spouses, children, and friends, and tend to neglect themselves, feel less healthy, and feel more stress. . . .

And it goes on and on. And it says:

*Resolved*, That—it is the sense of the Senate that—reducing the conflict between work and family life should be a national priority; and the month of October should be designated as "National Work and Family Month". . . .

So I guess in honor of National Work and Family Month, we now decide it is going to make people less cranky if they can work 60 hours a week and not get paid overtime for 20. They are working 40 hours, and we would pay them for that, but now we are to require them to work 60 hours and not pay them overtime and expect them to be happier, less grumpy, and more fulfilled at work and at home.

May I suggest we stop adopting resolutions such as this if we are going to start promoting rules such as the one that is proposed by the Labor Department, and let's just be honest with ourselves.

So I hope we won't go to another amendment. I hope we won't vote on anything else until we either withdraw this sense-of-the-Senate resolution, which makes no sense considering we are just about ready to pass a rule that says you can work but we are not going to pay you overtime, we are going to require that you work and we are not going to pay overtime, and we want you to be happy doing it—that is basically what we would be saying—I suggest we either repeal the sense-of-the-Senate resolution or not pass the overtime rule that is being proposed by the Bush administration and by the Secretary of Labor at this time.

So for all these reasons, let's stay on this bill. It is an important bill for education. It is an important bill for our children. It is a very significant issue I hope we can resolve. If we do give the opportunity for children in failing schools to move to a higher performing school, let's do it the right way, with accountable vouchers, remove the Federal mandate, and not be sidetracked with a siren song about how supporting a few children in schools is going to correct the fact that President Bush refuses to fund Leave No Child Behind.

Let's not pass this new labor amendment which would strip overtime from 8 million workers. That paycheck for overtime that many of those workers are picking up is helping them to pay a mortgage and make ends meet at a time when the economy is not as strong as it should be and could be with different leadership.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REBUILDING IRAQ

Mr. DORGAN. Mr. President, last evening President Bush addressed the Nation about the situation in Iraq. I

wish to comment briefly about his request for \$87 billion in supplemental appropriations for fiscal year 2004 request that he will soon send to Congress.

I believe every single penny requested to support the troops who are now serving in Iraq ought to be appropriated by the Congress. When America sends its sons and daughters to war, it should provide all that is necessary for them to do their job, to protect themselves, and to carry out their missions. So speaking for myself, I believe every single penny requested and necessary for the soldiers who represent this country in the Iraqi theater and in Afghanistan and other areas must be made available.

There are not a lot of good choices in Iraq. We understand that. This is a difficult situation. But this country cannot now leave Iraq. We are opening mass graves, football-field-size graves with 10 to 12,000 skeletons in them. We know that what happened in Iraq was genocide. We also know that if we leave today, there will immediately be massive numbers of murders and revenge killings. We simply cannot allow that to happen. We are faced with a circumstance in which there are not a lot of good choices, but we must be there at this point.

That said, it seems to me that the Administration ought to aggressively seek assistance from the United Nations, from NATO, and from other countries and get them to supply the troops and resources to help us carry out this mission. The U.S. military is stretched too thin to stabilize Iraq by themselves.

Part of the \$87 billion that the President is going to request from Congress will be for the reconstruction of Iraq. There need to be some significant questions asked about that. It is not that I question the need for reconstruction in Iraq. It is a precondition for the development of a new democracy in that country. But Iraq has the second largest oil reserves in the world next to Saudi Arabia. One question is, What kind of support shall these oil reserves provide in the future for reconstruction? How will the Iraqi oil now under the sands—again, the second largest oil reserves in the world—contribute to the reconstruction? And what kind of support will other countries provide for reconstruction? Who will provide what resources? Who will make what contributions?

I ask all of those questions on behalf of the American taxpayer because I don't believe Americans should have the sole responsibility for paying to reconstruct Iraq. This in fact is a situation that affects not only our country but the entire world. Again, we need to seek aggressively the assistance of the United Nations, NATO, and other countries in meeting these obligations. It is important for us to ask the administration for detailed plans and an aggressive approach to address the issues with respect to future reconstruction of Iraq.

Then the final question with respect to all of this is, how do we reconcile the President's request for \$87 billion in additional spending for Iraq with last week's announcements that the President would like additional tax cuts? We know this year the Federal deficit will be somewhere around \$475 billion, and next year it is expected to grow to over \$500 billion. If we are talking, on the one hand, with this President, about additional tax cuts and, on the other hand, about additional spending, \$87 billion at a time when we have the highest deficits in the history of our country, it is important to ask: How does this add up? How do we find this money? Where does it come from? What do we do to achieve the resources to do the job in Iraq?

Again, stating the obvious, we must spend every penny requested to support the troops. Those men and women who have been called to serve our country do so willingly. They protect our liberty and our freedom, and this country can do no less than provide all that is necessary for their support.

But, it is important for the people of America to ask the larger questions about what is the economic plan that provides the resources and the strength for the economic engine that makes all of this possible. What is happening in this country? How do we produce the revenue, restart the economic engine in order to make all of this possible?

I noticed this weekend, on Saturday in the New York Times, "Job Losses Mount for the Second Straight Month," 93,000 fewer jobs in this month than in the previous month. We have roughly 11 million people looking for work; some say 9 million. There are a couple million more at least who have been part of the unemployment rolls who have actually stopped actively searching, having not found a job for some long while.

The question is, How do they find work? How do we employ those in this country who need employment?

This headline suggests, once again, that while the economy seems to be growing, perhaps slowly—more slowly than we would like—it may also be the case that this is a "jobless" recovery. If that is the case, that is very troublesome. Paul Gregg Roberts, who was a Reagan economist in the 1980s, has written about the prospect of a jobless economy, and he said, in fact, that this economy is growing some and it is producing jobs—it is just that the jobs are not being produced in the U.S.

There is something called "offshoring." That means companies are deciding increasingly to move jobs offshore—jobs that used to be American jobs, used to be jobs inside this country, which provided a living for a family with decent pay, decent benefits, working in a safe workplace, all of those things the American people have come to expect if you work hard and play by the rules. The fact is, too many jobs are now being sent offshore because you can perform these jobs much less expensively offshore.

If offshoring is a way to export American jobs, even as the American economy expands some, the question is, What kind of an economy do you have in the future? Jobless recoveries do not solve the problem we face in this country. The reason it relates to the question that I think the President has raised last evening and last week of \$87 billion in additional spending, at the same time that we increase the tax cuts or provide additional tax cuts at the request of the President, the question is, How does this add up?

The fact is, our economy has a cycle called the business cycle. No one—no economist can repeal the business cycle.

The business cycle means you have an expansionary phase of the economy and a contractionary phase. That is just as inevitable as the tides. What causes that? Is it because there are a bunch of economists who talk about monetary and fiscal policy and this ship of state of ours is somehow moving on the high seas and there is someone in the engine room and they are fine-tuning this, that, and the other thing—dials, levers, gauges, M(1)(b) investment tax credit, accelerated depreciation, monetary and fiscal policy? No, that is not what causes the ship of state to move forward. There is, in my judgment, an overblown sense of self-importance among economists who talk about what they know or don't know—mostly about what they think they know. Our economy moves forward when the American people are confident in the future.

The expansion side is people being confident about the future. When they are confident, they do things that manifest that confidence—buy a house, buy a car, take a trip. That is the expansion side of the economy.

When they are not confident about the future, they do the exact opposite. They decide not to buy the car, not to buy the house, not to take a trip because they are not certain about the future. That is the contraction side of the economy. As it is now, they see an economy with very large deficits—the biggest deficits in the history of our country by far. They see an economy that 3 years ago had very large surpluses that were predicted to exist for the next 12 years. In fact, the Federal Reserve Board—God bless them, they always have a great sense of humor—the Federal Reserve Board worried that the surpluses were going to be far too large and that would create a drag on the economy. I guess they are not so much worried about that these days because in 3 years the largest surpluses in the history of this country have turned into the largest deficits for as far as the eye could see. There is nothing in the next 10-year projections that show us reaching a balanced budget.

The reason this is important is, the people need to be confident about the future of this economy to expand, and this expansion of the economy must not be just in numbers, it must be in

jobs as well. This offshoring must be abated somehow so that the expansion of jobs is also an expansion of jobs in this country.

That is the only way this great economy of ours—the strongest on the face of the Earth—is going to provide the resources to sustain and provide that which we need to do what the President talked about last evening. So I just think it is very important for us at this point to begin thinking seriously about the larger questions of fiscal policy and confidence as well.

In conclusion, I am going to support every single dollar requested that will support the troops we have sent abroad to fight for this country. However, that does not mean I am going to support every dollar the President requests for the Pentagon. For example, I expect we will soon have the opportunity to offer some amendments to save money by cancelling some new nuclear weapons that the administration has proposed in the budget.

Let me describe a couple of them. These are things I will not support and hope to cut funding for. We have some people downtown in the administration who believe nuclear weapons should be treated like any other weapon and that we should have a policy to use them in certain circumstances. That is a very dangerous way of thinking. We have never used nuclear weapons, with the exception of at the end of the Second World War. Up to now, American policy has been to have nuclear weapons in order to prevent nuclear weapons from ever being used. That is called the mutually assured destruction concept, which we have lived with for 40 to 50 years. Now we have people who see them as any other weapon. They talk about using them, and they are suggesting we might need to use them first.

Some would like to begin testing nuclear weapons again. We have not tested nuclear weapons for over a decade. The President's budget requests research and development money for the development of new earth penetrator, bunker buster nuclear weapons. The President has requested money for what are called low-yield nuclear weapons. Apparently, they are designer nuclear weapons that can be used more easily on the battlefield. I think this is horribly dangerous for this country. What kind of a signal do we send to other countries that have or want to acquire nuclear weapons? That nuclear weapons can be usable if you just design them in a different way? That if you want to find somebody holed up in a cave, you should just build a designer bunker buster nuclear weapon—not so little really—that you can lob in to destroy the cave.

This is terribly destructive to this country's public policy. I think it is hard for me to find the adjectives to describe how shortsighted and dangerous I think this is. I intend to offer an amendment—and I know some of my colleagues will as well—to take

some of that money out that would produce these designer nuclear weapons. We don't need them. After all, there are around 30,000 nuclear weapons on the face of this earth. A couple of years ago, there was a flurry of anxiety in the government when there was a rumor that terrorists had stolen one nuclear weapon. One stolen weapon would cause a seizure, and there are roughly 30,000 strategic and tactical nuclear weapons on the face of the Earth.

We don't need to build more nuclear weapons. And, as the leader in the world, we ought to be striving to use our prestige to prevent the spread of nuclear weapons and to reduce the number of nuclear weapons. The last thing we ought to do is undermine non-proliferation efforts by saying that we need to build nuclear weapons to bust bunkers and for other uses.

I think that is horribly dangerous and destructive. That is one area where we might save a little money and begin ratcheting down this deficit that we and the President have to come to grips with.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. STEVENS. I ask unanimous consent that the Senate now proceed to a period for routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in Denver, CO. On November 6, 2001, a 35-year-old Middle Eastern man was attacked by two men while on an evening walk. One of the men attacked the victim with a soda can, knocking him to the ground. Once on the ground, the second assailant kicked the victim in the ribs and threw soda cans at his head. The assailants also yelled obscenities and racial slurs at the victim ordering him to "Go back to his country."

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement En-

hancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### HONORING OUR ARMED FORCES

Mrs. LINCOLN. Mr. President, I today honor a true American hero from Arkansas—SGT James Sides of the U.S. Army. A native of Wynne, in east Arkansas, James recently returned from Iraq, where he was seriously wounded in action four months ago.

On May 9, two Blackhawk ambulance helicopters with the 571st Medical Company were dispatched to rescue an 11-year old Iraqi child who had stepped on a land mine. As one helicopter landed to evacuate the boy, the other was circling above when it snagged on a power line while trying to avoid enemy fire from below. James a crew member, a flight medic, on the latter helicopter, which crashed into the Tigris River.

Of the 4-member crew, 3 were killed. James was pulled from the wreckage after having been submerged in the water for an estimated five to seven minutes. He was unconscious and near death, with a broken bone in his upper arm and nerve damage. But thanks to swift emergency care from his fellow soldiers he was kept alive until he could be evacuated to a hospital. James was in a coma for a month afterward. He was hospitalized in Kuwait, Germany, and Washington, and spent time in a rehabilitation facility in Tampa.

In July, SGT James Sides returned home to a richly deserved hero's welcome in Wynne. We're all glad to have him back home, but not more than his loving family: His parents, Carter and Leslie Sides; his wife, Rebecca Sides and his two sons, James Jr. and Devin.

Upon his homecoming, James was interviewed by his local newspaper. He credited his survival to his faith and that of his family and friends. In his words: "If it wasn't for prayers and the good Lord watching over me, I wouldn't be here. God took care of me. The prayers of everyone were answered and I just appreciate all of the prayers. There's no doubt in my mind that prayers get answered." He also noted that he's not a hero: "If I'm a hero, where would that put the guys who are still over there? We can't forget them. They are the ones we should be thinking about." Well, James Sides may be too modest to call himself a hero, but the rest of us recognize him as just that—a man of tremendous courage, commitment, and patriotism whose service to his country has been exemplary.

I ask that all my colleagues in the Senate join me in thanking SGT Sides for his service and for his sacrifice, which we can never sufficiently recognize or repay. We wish him a swift and full recovery. We wish all the best to him and his family.